

1                                   A bill to be entitled  
 2           An act relating to offenses by aliens unlawfully  
 3           present in the United States; creating s. 775.0864,  
 4           F.S.; requiring specified offenses to be reclassified  
 5           if committed by such aliens; specifying the  
 6           reclassification of these offenses; specifying the  
 7           enhancement of the level of the ranking for purposes  
 8           of sentencing and gain-time eligibility; amending s.  
 9           921.0022, F.S.; revising references to offense  
 10          reclassification provisions to conform to changes made  
 11          by the act; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Section 775.0864, Florida Statutes, is created  
 16          to read:

17           775.0864 Offenses against persons by unlawfully present  
 18          aliens; reclassification.—

19           (1) A violation of any of the following provisions must be  
 20          reclassified to the next higher degree, as provided in  
 21          subsection (2), if the offense is committed against a person in  
 22          this state by an alien, as defined in 8 U.S.C. s. 1101(a), who  
 23          is unlawfully present in the United States:

24           (a) Section 794.011, relating to sexual battery.

25           (b) Section 784.021(1)(a), relating to aggravated assault

26 | with a deadly weapon.

27 |       (c) Section 782.04, relating to murder.

28 |       (d) Section 790.1615, relating to unlawful throwing,  
 29 | placing, or discharging of a destructive device or bomb.

30 |       (e) Section 810.02(2)(b), relating to armed burglary.

31 |  
 32 |       (2) In the case of an offense identified in subsection  
 33 | (1):

34 |       (a) A misdemeanor of the first degree is reclassified to a  
 35 | felony of the third degree. For purposes of sentencing under  
 36 | chapter 921, such offense is ranked in level 2 of the offense  
 37 | severity ranking chart.

38 |       (b) A felony of the third degree is reclassified to a  
 39 | felony of the second degree.

40 |       (c) A felony of the second degree is reclassified to a  
 41 | felony of the first degree.

42 |       (d) A felony of the first degree is reclassified to a life  
 43 | felony.

44 |  
 45 | For purposes of sentencing under chapter 921 and determining  
 46 | incentive gain-time eligibility under chapter 944, a felony  
 47 | offense that is reclassified under this subsection is ranked one  
 48 | level above the ranking specified under s. 921.0022 or s.  
 49 | 921.0023 of the felony offense committed.

50 |       Section 2. Subsection (2) of section 921.0022, Florida

51 Statutes, is amended to read:

52 921.0022 Criminal Punishment Code; offense severity  
53 ranking chart.—

54 (2) The offense severity ranking chart has 10 offense  
55 levels, ranked from least severe, which are level 1 offenses, to  
56 most severe, which are level 10 offenses, and each felony  
57 offense is assigned to a level according to the severity of the  
58 offense. For purposes of determining which felony offenses are  
59 specifically listed in the offense severity ranking chart and  
60 which severity level has been assigned to each of these  
61 offenses, the numerical statutory references in the left column  
62 of the chart and the felony degree designations in the middle  
63 column of the chart are controlling; the language in the right  
64 column of the chart is provided solely for descriptive purposes.  
65 Reclassification of the degree of the felony through the  
66 application of s. 775.0845, s. 775.085, s. 775.0861, s.  
67 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.  
68 794.023, or any other law that provides an enhanced penalty for  
69 a felony offense, to any offense listed in the offense severity  
70 ranking chart in this section shall not cause the offense to  
71 become unlisted and is not subject to the provisions of s.  
72 921.0023.

73 Section 3. This act shall take effect July 1, 2017.